

APR 30 2014

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA

US District Court
Western District of NC

MISC. NO. 3:14 MC005

IN THE MATTER OF REQUIRING A
FACTUAL BASIS AND CERTAIN
INFORMATION BE PROVIDED IN
ALL CRIMINAL CASES

SUPERSEDING ORDER

This Order supersedes Order 3:14MC005. For good cause appearing to the Court that a factual basis containing the offense conduct will greatly speed up the sentencing process, IT IS ORDERED that:

By the time of the entry of the plea, unless otherwise ordered for good cause shown, counsel for the defendant and the government will submit a written stipulation of facts captioned "Factual Basis."

The Factual Basis shall set forth an accurate, non-misleading, summary of the facts that compromise the offense conduct, and shall include:

- (1) The loss and drug amounts;
- (2) Facts sufficient to support any agreed-upon offense level computations in the plea agreement;
- (3) Facts warranting any non-agreed upon Chapter 2 or 3 enhancements or reductions;
- (4) Notations identifying any facts to which defense counsel reserves the right to object.

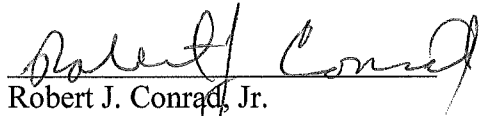
The Factual Basis shall be signed by an attorney for the government and defense counsel, who shall certify that he/she has discussed the Factual Basis with the defendant, and that the defendant does not dispute the Factual Basis.

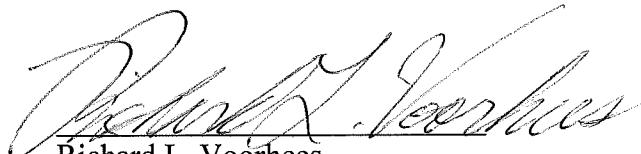
Likewise, for good cause appearing to the Court that requiring the parties to provide other information to the probation office also will greatly speed up the sentencing process, IT IS ORDERED that:

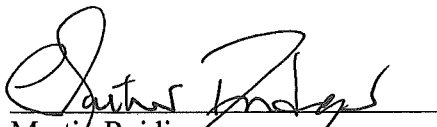
- (1) The government will provide the probation office within 21 days of the probation officer's request with all known victim information, including the names and addresses of all victims that may be entitled to restitution;
- (2) The defense counsel will provide the probation office within 21 days of the probation officer's request with all personal, historical, and financial information of the defendant requested by the probation office for use in completing the offender characteristics section of the presentence report, or will specifically file an objection within such 21 days to providing any part of such information which states the reasons for any such objection.


Exempt from this order, however, are all cases for which a plea agreement has been filed with the Court prior to the entry of this Order.

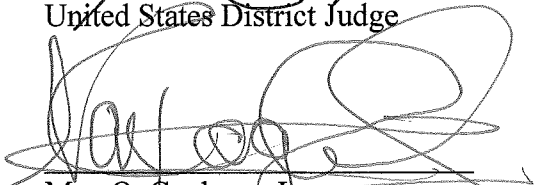
SO ORDERED this the 25th day of ~~February~~^{April}, 2014.

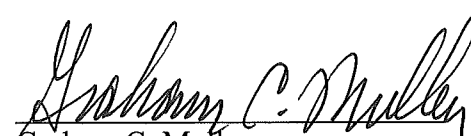

Robert J. Conrad, Jr.
United States District Judge


Richard L. Voorhees
United States District Judge


Martin Reidinger
United States District Judge


Frank D. Whitney, Chief
United States District Judge


Max O. Cogburn, Jr.
United States District Judge


Graham C. Mullen
Senior United States District Judge